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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 4

PART II—Section 4

रक्षा मंत्रालय द्वारा जारी किये गए विधिक नियम और आदेश

Statutory Rules and Orders issued by the Ministry of Defence

MINISTRY OF DEFENCE

New Delhi, the 3rd December 1966

S.R.O. 318.—In exercise of the powers conferred by sub-section (1) of section 16 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby fixes 12th March, 1967, as the date on which elections in Barrackpore Cantonment shall be held.

[File No. 29/24/C/L&C/66/3148-C/D(Q&C).]

New Delhi, the 7th December 1966

S.R.O. 319.—In exercise of the powers conferred by sub-section (1) of section 16 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby fixes 6th March, 1967, as the date on which elections in Chakrata Cantonment shall be held.

[File No. 29/27/C/L&C/66/D(Q&C).]

R. S. CHAUDHRI, Under Secy.

New Delhi, the 9th December 1966

S.R.O. 320.—In exercise of the powers conferred by section 16 of the Army and Air Force (Disposal of Private Property) Act, 1950 (40 of 1950), the Central Government hereby makes the following rules further to amend the Army and Air Force (Disposal of Private Property) Rules, 1953, namely:—

1. These rules may be called the Army and Air Force (Disposal of Private Property) (First Amendment) Rules, 1966.

2. In Schedule II to the Army and Air Force (Disposal of Private Property) Rules, 1953,—

(a) Under the heading "A. When estate is handed over under sub-section (4) of section 3, or section 4 or section 10"—

(i) in item No. (5), the brackets, letters and figures "(IAFE-923)" shall be omitted; and

(ii) in item No. (6), the brackets, letters and figures "(IAFE-924)" shall be omitted.

(b) Under the heading "B. When surplus of estate is remitted to the prescribed person", in item No. (3), the brackets, letters and figures "(IAFE-924)" shall be omitted.

[No. PC to MF No. A|03860|63|Org3(RR&C)(a)|9774-D(AG-II).]

S. DEVANATH, Dy. Secy.

New Delhi, the 12th December 1966

S.R.O 321.—In exercise of the powers conferred by sub-section (1) of section 16 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby fixes 6th March, 1967, as the date on which elections in Dalhousie Cantonment shall be held.

[File No. 29/58/C/L&C/66/3214-C/D(Q&C).]

S.R.O. 322.—In exercise of the powers conferred by sub-section (1) of section 16 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby fixes 6th March, 1967, as the date on which elections in Lansdowne Cantonment shall be held.

[File No. 29|57|C|L&C|66|3215-C|D(Q&C).]

S.R.O. 323.—In exercise of the powers conferred by sub-section (1) of section 16 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby fixes 14th May, 1967, as the date on which elections in Dehu Road Cantonment shall be held.

[File No. 29|54|C|L&C|66|3216-C|D(Q&C).]

S.R.O. 324.—In exercise of the powers conferred by sub-section (1) of section 16 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby fixes 1st March, 1967, as the date on which elections in Jutogh Cantonment shall be held.

[File No. 29|59|C|L&C|66|3209-C|D(Q&C).]

S.R.O. 325.—In exercise of the powers conferred by sub-section (1) of section 16 of the Cantonments Act, 1924 (2 of 1924), the Central Government hereby fixes 4th March, 1967, as the date on which elections in Bakloh Cantonment shall be held.

[File No. 29|21|C|L&C|66|3208-C|D(Q&C).]

S.R.O. 326.—The following draft of certain rules further to amend the Cantonment Fund Servants Rules, 1937, which the Central Government proposes to make, in exercise of the powers conferred by sub-section (1) read with clause (c) of sub-section (2) of section 280 of the Cantonments Act, 1924 (2 of 1924), is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the thirtieth day from the date of publication of this notification.

Any objection or suggestion which may be received from any person with respect to the said draft before the said thirtieth day will be considered by the Central Government.

DRAFT RULES

1. These rules may be called the Cantonment Fund Servants (Amendment) Rules, 1966.

2. In the Cantonment Fund Servants Rules, 1937,—

(1) in rule 3, for the words, brackets and figures "Central Civil Services (Conduct) Rules, 1955", the words, brackets and figures "Central Civil Services (Conduct) Rules, 1964" shall be substituted;

(2) after rule 4, the following rules shall be inserted, namely:—

"4-A. Subject to such directions as the Central Government may, from time to time, issue—

(a) all first appointments to Service under a Board shall be made through the Employment Exchange or in such other manner as the Central Government may direct;

(b) No person aged below eighteen years and more than twenty-five years shall be appointed to any post under the Board, provided that the upper age limit may be relaxed in suitable cases;

(c) no person who has not been declared medically fit by the authorised medical attendant and who does not possess the minimum educational qualifications and experience, as may be prescribed for each post by the Central Government or by such other authority as may be authorised in this behalf by the Central Government, shall be appointed to the service of a Board:

Provided that the Central Government or the said authority, may by order in writing relax the minimum educational qualification prescribed for the concerned post, in favour of any person possessing adequate experience required for the efficient performance of the duties of the post:

Provided further that the prescription of minimum educational qualifications as aforesaid shall not operate to the disadvantage of a servant for continuance in the post to which he has been appointed or for appointment to a post on promotion made on the recommendation of a Departmental Promotion Committee;

(d) the Board shall classify all the posts under it into selection posts or non-selection posts and specify the grade or equivalent grade of post or posts from which promotion shall be made to each such post. The Board shall also appoint one or more Departmental Promotion Committees for the purpose of recommending servants for appointment to any such post by promotion;

(e) appointments by promotion to non-selection and selection posts under the Board shall be made out of seniority lists maintained for this purpose by each Board in respect of every grade or its equivalent;

(f) all appointments to every selection or non-selection post in a grade other than the lowest, shall be made by promotion:

Provided that the authority prescribed in rule 4B may, on receipt of a report from a Board regarding non-availability of suitable servants for appointment, transfer to the service of that Board any servant in the service of any other Board, who, in the opinion of the authority, is suitable to hold the post:

Note.—The competent authority may maintain a common gradation list comprising the names of servants recommended as eligible for promotion by the Departmental Promotion Committees of the different Boards under the Command and select from such list the name of the servant who is required to be sent on transfer from one Board to another under this clause.

Provided further that in the event of suitable candidates not being available for transfer as aforesaid, the said authority may authorise the Board to fill the post by direct recruitment.";

"4B. (1) The service of a servant shall be transferrable from one Board to another under one and the same Command.

(2) Subject to such general directions as the Central Government may issue from time to time, the Officer Commanding-in-Chief, the Command, or such other authority as may be authorised by the Central Government in this behalf, shall be the competent authority to transfer the service of a servant under this rule.

(3) Save as otherwise provided in these rules, where a servant has been transferred from one Board to another under this rule, the service under the Board from which he has been transferred shall be deemed to be service under the new Board.

(4) Leave salary due to a servant transferred under this rule and contribution to the Provident Fund to be credited in favour of such servant under clause (a) of sub-rule (2) of rule 39 shall be borne proportionately by the Boards concerned.";

(3) in rule 6,—

(a) in sub-rule (1), the brackets and words "(other than menial service)" shall be omitted;

(b) to sub-rule (1), the following proviso shall be added, namely:—

"Provided that this sub-rule shall not apply to a servant who has come to such Board on transfer from another Board under which he was first appointed.";

(4) in rule 8,—

(a) for sub-rule (3), the following sub-rule shall be substituted, namely:—

"(3)(a) A servant who has not attained the age of fifty-five years and has also not completed thirty years' qualifying service, and who is discharged in pursuance of clause (b) of sub-rule (1) shall be paid a compensatory gratuity calculated at the rate of fifteen days' average pay for each completed year of qualifying service, or a part thereof in excess of six months, subject to the condition that the amount of such gratuity payable shall not exceed the total amount of pay which the servant would have drawn during the period subsequent to the date of his discharge, had he remained inservice until he had attained the age of fifty-five years or had completed thirty years' qualifying service, whichever is earlier.

(b) A servant, who has not attained the age of fifty-five years and has also not completed thirty years' qualifying service, and who is discharged in pursuance of clause (e) of sub-rule (1), shall be paid a compensatory gratuity calculated at the rate of fifteen days' average pay for each completed year of qualifying service or a part thereof in excess of six months, provided that no gratuity shall be paid if the servant has been offered and has refused an alternative appointment of approximately equal pay under the Board, which, in the opinion of the Board was of a suitable nature.

Explanation.—For the purpose of this sub-rule,—

(i) "qualifying service" means continuous service under the oard or Boards and where there has been a break in service, the last period of continuous service, unless the break in service is condoned with the previous sanction of the Officer Commanding-in-Chief, the Command:

Provided that the Board may, in its discretion, include in the computation of qualifying service the amount of any leave earned but not availed of by the servant concerned;

(ii) "pay" means substantive pay at the rate applicable to the servant concerned at the time of his discharge.";

(5) after rule 51, the following rule shall be inserted, namely:—

"52. (a) Subject to the provisions of this rule, servants and members of their family shall be entitled free of charge, to medical attendance by the authorised medical attendant.

(b) All patients who are entitled to treatment will attend, if fit to do so, the hospital for medical advice and treatment. Medical attendance at the residence shall be given only in cases of serious injury or illness when the patient is unfit in the opinion of the authorised medical attendant to attend or be admitted to the hospital.

(c) (i) If the authorised medical attendant is of opinion that a case is of such serious or special nature as to require medical attendance by some person other than himself or the medical officers available in the hospital, he may, with the previous approval of the Senior Executive Medical Officer (save in cases involving danger to the life of the patient), send the patient to such specialist or other medical officer in Government service attached to a local Civil Hospital or a recognised medical institution as may be approved by the Senior Executive Medical Officer for indoor treatment or surgical operation and the life or, if the patient is too ill to travel, summon such specialist or other medical officer to attend upon the patient either in the hospital or at the residence of the patient.

(ii) The specialist or other medical officer so consulted or summoned shall be entitled to such fees and travelling allowance as may be recommended by the Senior Executive Medical Officer and approved by the Board.

(iii) The cost of indoor treatment (excluding diet charges, if any, included in the bill of the concerned Civil Hospital or recognised institution) shall be borne by the Cantonment Board concerned except that, in the case of employees whose basic pay is Rs. 100 per month or less, the diet charges when paid to the said Hospital or other Institution will also be borne by the Board. The type of accommodation to be provided in the Civil Hospital or other Institution will depend on the status of the servant and shall require the prior approval of the Senior Executive Medical Officer of the Board.

NOTE (1).—Where flat rates charged by the hospital include diet, accommodation, ordinary nursing and medical services, twenty per cent of such charges shall be reckoned as diet charges.

NOTE (2).—The cost (if paid by the patient) of any special diets not ordinarily provided by the hospital, is not refundable.

(d) Charges for services rendered in connection with, but not included in, medical attendance on or treatment of, a patient under these rules, shall be determined by the authorised medical attendant and paid by the patient.

(e) If any question arises as to whether any service is included in medical attendance or treatment, such question shall be decided by the Board.

(f) For the purposes of this rule—

(i) "authorised medical attendant" means a medical officer appointed by the Board to attend on the servants of the Board.

(ii) "family" means the wife or husband of the servant, as the case may be, their legitimate and step-children wholly dependent on the servant but shall not include children adopted by an unmarried servant.

(iii) "hospital" means a hospital maintained or appointed as such by the Board and includes a dispensary.

(iv) "medical attendance" means attendance in the hospital or in cases of serious illness, which compels the patient to be confined to his residence, at such residence if situated within the Cantonment limits, and

(v) "medical treatment" means the rendering of all medical, maternity and surgical facilities available in the hospital and includes—

(a) the employment of such pathological, bacteriological, radiological or other methods as are considered necessary by the authorised medical attendant;

(b) the supply of such medicines, vaccines, sera or other theraphatic substances as are ordinarily available in the hospital, but does not include the supply of spectacles or of artificial dentures or other appliances or of preparations which are primarily foods, tonics, toilet preparations or disinfectants;

(c) such accommodation as is ordinarily provided in the hospital and is suited to the status of the servant but does not include the provision of diet, except in the case of servants whose basic pay is Rs. 100 per mensem or less;

(d) such nursing as is ordinarily provided to in-patients by the hospital; and

(e) consultation with a specialist—wher e such consultation is certified to be necessary by the authorised medical attendant".

[No. 25|40|C|L&C|61|II|3191-C|D(Q&C).]

R. S. CHAUDHRI, Under Secy.

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